


4/13/18

9:15 A.M.

Chapter No. 449  
18/HR31/R1634SG  
EH / AM

## ***HOUSE BILL NO. 767***

Originated in House  Clerk

HOUSE BILL NO. 767

AN ACT TO AUTHORIZE THE MISSISSIPPI BOARD OF MENTAL HEALTH, ACTING THROUGH THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH, TO SELL CERTAIN STATE-OWNED REAL PROPERTY AND ANY IMPROVEMENTS THEREON, WHICH SERVED AS THE FORMER WAVELAND GROUP HOME PROPERTY LOCATED IN THE CITY OF WAVELAND, HANCOCK COUNTY, MISSISSIPPI; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION, ACTING ON BEHALF OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, TO CONVEY AND TRANSFER CERTAIN REAL PROPERTY LOCATED IN ALCORN COUNTY, MISSISSIPPI, TO THE GOVERNING AUTHORITIES OF THE CITY OF CORINTH, MISSISSIPPI, AND ALCORN COUNTY, MISSISSIPPI; TO AMEND SECTION 1, CHAPTER 386, LAWS OF 2017, TO CLARIFY THE CONDITIONS OF TRANSFER OF CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, AS IT RELATES TO RIGHTS TO TIMBER AND MINERALS ON SAID PROPERTY; TO AMEND CHAPTER 480, GENERAL LAWS OF 2014, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED WITHIN HINDS COUNTY, MISSISSIPPI, TO THE MAYOR AND COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) The Mississippi Board of Mental Health, acting through the Mississippi Department of Mental Health, is authorized to sell certain state-owned real property and any improvements thereon, which served as the former Waveland group home property located in the City of Waveland, Hancock County,

Mississippi, such property being more specifically described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 1, Heritage Subdivision, as per the Official Plat of said subdivision on file in the office of the Chancery Clerk of Hancock County, Mississippi.

AND

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 2, Heritage Subdivision, as per the Official Plat of said subdivision on file in the office of the Chancery Clerk of Hancock County, Mississippi.

(2) The real property and any improvements thereon described in subsection (1) of this section shall be sold for not less than the current fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

(3) All monies derived from the sale of the property described in subsection (1) of this section shall be deposited into a special fund created in the State Treasury for the use and benefit of the South Mississippi Regional Center. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest

earned on the amounts in the special fund shall be deposited to the credit of the special fund.

(4) The Department of Finance and Administration may correct any discrepancies in the legal description provided in this section.

(5) The State of Mississippi shall retain all mineral rights to the property sold under this section.

**SECTION 2.** (1) The Department of Finance and Administration, acting on behalf of the Mississippi Department of Corrections, is authorized to convey and transfer certain real property to the governing authorities of the City of Corinth, Mississippi, and Alcorn County, Mississippi. The property is located in Alcorn County, Mississippi, and more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter of Section 15, Township 2 South, Range 7 East, Alcorn County, Mississippi, said point being the intersection of Mason/Luke Road and Norman Road; thence run South along said centerline of Norman Road for a distance of 26.30 feet, more or less, to a point; thence run South 89 degrees 44 minutes 00 seconds East for a distance of 20.00 feet, more or less, to a point; thence run South 00 degrees 22 minutes 10 seconds West for a distance of 2,133.63 feet, more or less, to a point on the South Right-of-Way line of Harper Road; thence run

along said Right-of-Way line South 89 degrees 12 minutes 40 seconds East for a distance of 441.73 feet, more or less, to a point; thence run South for a distance of 600.05 feet, more or less, to the POINT OF BEGINNING; thence run South 89 degrees 12 minutes 40 seconds East for a distance of 400.00 feet, more or less, to a point; thence run South 00 degrees 47 minutes 20 seconds West for a distance of 538.66 feet, more or less, to a point; thence run North 89 degrees 12 minutes 40 seconds West for a distance of 400.00 feet, to a point; thence run North 00 degrees 47 minutes 20 seconds East for a distance of 538.66 feet, more or less, to the POINT OF BEGINNING.

Also: A 60 feet wide strip of land to be used for an ingress and egress permanent easement, described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter of Section 15, Township 2 South, Range 7 East, Alcorn County, Mississippi, said point being the intersection of Mason/St. Luke Road and Norman Road, thence run South along said centerline of Norman Road for a distance of 26.50 feet, more or less, to a point, thence run South 89 degrees 44 minutes 00 seconds East for a distance of 20.00 feet, more or less, to a point, thence run South 00 degrees 22 minutes 10 seconds West

for a distance of 2,133.63 feet, more or less, to a point on the South Right-of-Way line of Harper Road; thence run along said Right-of-Way line South 89 degrees 12 minutes 40 seconds East for a distance of 441.73 feet, more or less, to a point on the said South Right-of-Way line; thence run South for a distance of 600.05 feet, more or less, to the POINT OF BEGINNING; thence run South 00 degrees 47 minutes 20 seconds West for a distance of 60.00 feet, more or less, to a point, thence run North 89 degrees 12 minutes 40 seconds West for a distance of 460.29 feet, more or less to a point on the East Right-of-Way line of Norman Road; thence run North 00 degrees 47 minutes 20 seconds East along the said East Right-of-Way line for a distance of 60.00 feet, more or less, to a point; thence run South 89 degrees 12 minutes 40 seconds East for a distance of 460.29 feet, more or less, to the POINT OF BEGINNING.

SUBJECT TO: Transmission power line easement to Alcorn County Electric Power Association recorded in the Chancery Clerk's Office of Alcorn County, Mississippi, in Deed Book 63 at page 214, and easement to the City of Corinth, Mississippi, recorded in Deed Book 278, pages 659-662.

(2) The Department of Finance and Administration may correct any discrepancies in the legal description of the property provided in this section.

(3) The State of Mississippi shall retain all mineral rights to the real property conveyed and transferred under this section.

**SECTION 3.** Section 1, Chapter 386, Laws of 2017, is amended as follows:

Section 1. (1) The Department of Finance and Administration may transfer and convey to the Columbia-Marion County Airport Authority certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains approximately two hundred four (204) acres, more or less, lying North of Highway 44 and is more particularly described as follows:

Commencing at the Southwest corner of Section 22,  
Township 4 North, Range 18 West, Marion County,  
Mississippi; thence run north along said section line a  
distance of 3,350 feet, more or less, to the south  
boundary of a parcel owned by The City of Columbia;  
thence continue to run along parcel boundary east a  
distance of 1,320 feet, more or less, thence continue to  
run along said City of Columbia parcel boundary north a  
distance of 1,612 feet, more or less, to the Point of  
Beginning; thence run N 61°40'00" E a distance of 4,470  
feet, more or less, to the east boundary of Section 15;  
thence run along said Section line north a distance of

2,954 feet, more or less; thence leaving said Section line run S 48°06'08" W a distance of 5,296 feet, more or less, to the east boundary of a parcel owned by The City of Columbia; thence run along said boundary South a distance of 1,539 feet, more or less, back to the Point of Beginning. Said parcel containing 204 acres, more or less, and being located in the South  $\frac{1}{2}$  and the NE  $\frac{1}{4}$  of Section 15, Township 4 North, Range 18 West, Marion County, Mississippi, and the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(2) The Department of Finance and Administration may transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains approximately four hundred six (406) acres, more or less, lying North of Highway 44 and is more particularly described as follows:

Beginning at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run north along said section line a distance of 3,350 feet, more or less, to the south boundary of a parcel owned by The City of Columbia; thence run east a distance of 5,280 feet, more or less, to the east boundary of Section 22; thence run south along said section line a distance of 3,350 feet, more



or less, to the southeast corner of Section 22; thence run west a distance of 5,280 feet, more or less, back to the Point of Beginning. Said parcel containing 406 acres, more or less, and being located in the South  $\frac{1}{2}$  and the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(3) The aggregate of parcels described in subsections (1) and (2) of this section consists of six hundred ten (610) acres, more or less, of the Columbia Training School Property, which the entirety of such section whereon the named property is situated consists of one thousand eight hundred twenty-three (1,823) acres, more or less. The property transferred and conveyed under subsections (1) and (2) of this section shall only be used to make improvements to the Marion County Airport and to construct an adjacent industrial park or other aviation-related facility.

(4) The State of Mississippi shall retain any mineral rights to the property transferred and conveyed under subsections (1) and (2) of this section. The Department of Finance and Administration shall have the authority to correct any discrepancies in the property descriptions provided in subsections (1) and (2) of this section.

(5) (a) The parcels of property conveyed under this section must be conveyed to the Columbia-Marion County Airport Authority and to the Marion County Economic Development District without any

assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. Upon receipt of the deed of title to the property, the respective recipients, in their individual capacities, shall indemnify the State of Mississippi for any damage, injury or loss.

(b) The Columbia-Marion County Airport Authority and the Marion County Economic Development District shall provide the Mississippi Department of Human Services six (6) months to harvest and sell any timber located on the property transferred using a company of the department's preference prior to any improvement or development being made on the property by such entities, the revenue generated from which shall be deposited into the State Treasury and earmarked for use by the Department of Human Services for all administrative and program purposes deemed necessary by the executive director. \* \* \* Upon harvesting the timber upon the property within the time specified in this paragraph, the department shall forfeit all future rights to any timber remaining on or regrown on the property, as well as any right of easement for accessing the land.

(6) The Columbia-Marion County Airport Authority and the Marion County Economic Development District shall each grant the Department of Human Services an easement of ingress and egress to access the remaining parcels of property retained by the

Department of Human Services if reasonable access to such remaining parcels is not otherwise available.

**SECTION 4.** Section 1, Chapter 480, General Laws of 2014, is amended as follows:

Section 1. (1) The Department of Finance and Administration is authorized to transfer and convey, by the methods specified in this section, certain real property that is located on Capers Avenue in the City of Jackson, Hinds County, Mississippi, and is more particularly described as follows:

Starting at the concrete monument that is the SW corner of the SE 1/2 of the SW 1/2 of Section 33, T6N-R1E in the First Judicial District of Hinds County, Mississippi, and being also within the corporate limits of the City of Jackson, run thence due East along the line between Section 33, T6N-R1E and Section 4, T5N-R1E for a distance of 1138.85 feet to a concrete monument of the south right-of-way line of the Illinois Central Railroad, the point of beginning.

Run thence S 42 degrees-03° E along said South right-of-way line of the Illinois Central Railroad for a distance of 134.45 feet to a concrete monument of the line between the land being described herein and Battle Hill Subdivision of the City of Jackson; run thence S 31 degrees-51° W along said line between the land being described herein and Battle Hill Subdivision of the City

of Jackson for a distance of 430.48 feet to a point on the north line of Capers Avenue (Extended) as said avenue is now laid out and dedicated in the City of Jackson, Hinds County, Mississippi; run thence N 54 degrees-09° W along said north line of Capers Avenue (Extended) for a distance of 873.53 feet to the P.C. of a curve to the right with a radius (arc) of 536.19 feet; run thence along said curve and said north line of Capers Avenue (Extended) for a distance of 493.56 feet to the P.T. of said curve; run thence due north along the east line of Capers Avenue (Extended) for a distance of 478.86 feet to the P.C. of a curve to the right with a radius (arc) of 321.77 feet; run thence along said curve and said east line of Capers Avenue (Extended) for a distance of 176.59 feet to a point on the south right-of-way line of the Illinois Central Railroad; run thence S 42 degrees-01' 21" E along said South right-of-way line of the Illinois Central Railroad for a distance of 1661.56 feet to the point of beginning. All of the above described land being situated in the SE 1/4 of the SW 1/4 of Section 33, T6N-R1E and the NE 1/4 of the NW 1/4 of Section 4, T5N-R1E in the First Judicial District of Hinds County, Mississippi, and being wholly within the corporate limits of the City of Jackson and containing 18.35 acres, more or less.

(2) The property described in subsection (1) of this section may be transferred and conveyed by either of the following methods:

(a) If sold, the real property and the improvements thereon described in subsection (1) of this section shall be sold for not less than the current fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board \* \* \*;

(b) If the real property described in subsection (1) of this section is unable to be sold as authorized under paragraph (a) of this subsection (2), the Department of Finance and Administration may conduct a public auction to dispose of such property. Upon a determination by the department that the property cannot be sold by bid at appraised value, the department shall thereafter publish notice of public auction in some newspaper of general circulation in the state for at least three (3) consecutive weeks after which the department can sell the property at public auction to the highest bidder \* \* \*; or

(c) If a formal request for the property described in subsection (1) of this section is made by the Mayor and Council of the City of Jackson, Mississippi, before any such sale or auction authorized under paragraphs (a) and (b) of this subsection (2)

occurs, the Department of Finance and Administration shall transfer and convey the property described herein upon receipt of a duly adopted resolution by the Mayor and Council of the City of Jackson, Mississippi, and spread upon its minutes, declaring their intention to request possession of the property.

(3) The state shall retain all mineral rights in the property described in subsection (1) of this section.

(4) The Department of Finance and Administration is vested with the authority to correct any discrepancies in the legal description of the property described in subsection (1) of this section.

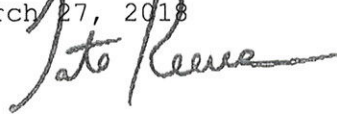
(5) \* \* \* Any monies derived from the sale or auction of the property described in subsection (1) in accordance with subsection (2)(a) or (b) of this section shall be deposited into \* \* \* the state land acquisition fund.

**SECTION 5.** This act shall take effect and be in force from and after July 1, 2018.

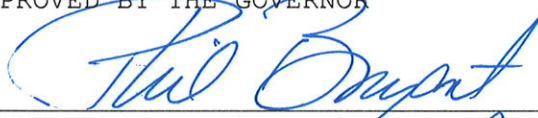
PASSED BY THE HOUSE OF REPRESENTATIVES  
March 27, 2018

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 27, 2018

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

*April 13, 2018  
9:15 AM*